

REMARKS

The Examiner is thanked for the performance of a thorough search.

In the specification, the paragraph beginning on page 94, line 2 (the abstract) has been amended to shorten the abstract to 150 words or less. Withdrawal of the objection to the abstract is respectfully requested.

No claims have been added, cancelled, or amended. Hence, Claims 1-66 are pending in the application.

SUMMARY OF THE REJECTIONS

Claims 1-8, 22, 25, 27, 34-41, 55, 58, and 60 were rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,473,609 to Schwartz et al. (“Schwartz”).

Claims 9-19, 26, 42-52 and 59 were rejected under 35 USC § 103(a) as being unpatentable over Schwartz in view of “Official Notice.”

Claims 20, 21, 23, 24, 28, 53, 54, 56, 57, and 61 were rejected under 35 USC § 103(a) as being unpatentable over Schwartz in view U.S. Patent No. 6,279,121 to Gamo (“Gamo”).

Claims 29-33 and 62-66 were rejected under 35 USC § 103(a) as being unpatentable over Schwartz in view of Gamo and “Official Notice.”

The rejections are traversed for at least the reasons discussed below.

THE REJECTIONS BASED ON THE PRIOR ART

Claims 1-8, 22, 25, 34-41, 55, and 58

Claim 1 requires, *inter alia*, “based on the first message, determining whether the action is associated with an event type of a plurality of predetermined event types.”

The Office Action alleges that Schwartz discloses this feature at col. 13, lines 29-31. These lines indicate that a link server receives a request from a mobile device and interprets the request, which may be a request to display a next card in an HDML deck. However, these lines do not teach or suggest that the link server determines whether the request is associated with a particular event type, of a plurality of predetermined event types. Schwartz says nothing about a plurality of predetermined event types or making a determination such as the one recited in Claim 1.

The Office Action apparently correlates Schwartz’ link server with the “mobile interactions server” recited in Claim 1, and Schwartz’ network server (or “service server”) with the application recited in Claim 1. In column 13, Schwartz discloses that, in response to the selection of a soft key such as an “OK” button displayed on a mobile device, the link server may retrieve the next card in the HDML deck and deliver the card to a mobile device. In column 14, Schwartz discloses that, in response to the selection on the mobile device of a request that includes a resource locator, the link server may send a request to the network server. The Office Action apparently reasons as follows: The selection of the soft key might result in the link server responding to the mobile device without contacting the network server, while the selection of the resource locator might result in the link server contacting the network server. Therefore, the Office Action apparently reasons, there are inherently two different “event types”—one type that

corresponds to selections of soft keys, and one type that corresponds to selections of resource locators.

However, Schwartz never expressly states that such types exist. In fact, according to Schwartz, whether or not the link server contacts the network server in response to a request has nothing to do with whether the request corresponds to the selection of a soft key or the selection of a resource locator. In actuality, whether or not the link server contacts the network server apparently depends only on whether the content that is the target of the request has already been cached at the link server—regardless of whether the request corresponds to the selection of a soft key or a resource locator. Therefore, Schwartz does not teach or suggest separate “event types.”

A closer examination of Schwartz shows this to be the case. In col. 13, lines 32-36, Schwartz states:

Control engine 609 calls converter 612 to retrieve the next card from the received HDML deck, **preferably, cached in a memory in the link server** and converts the card in HDML to a SDD file that is subsequently delivered to mobile device 602.

It is apparent from the above text that it is only “preferable” for the next card to be obtained from the link server rather than the network device. The next card is only obtained from the link server if the next card is already cached at the link server. Presumably, if the next card is not cached at the link server, then the link server must contact the network device in order to obtain the next card.

Similarly, in col. 14, lines 18-22, Schwartz states:

This request may include a resource locator to another card in the deck cached in link server 606 or a remote object in service server 604, **depending on whether the original received HDML includes the information requested** by the new request from mobile device 602.

It appears, from these lines, that the link server does not contact the network server if the requested information is already cached at the link server, even if the request includes a resource locator.

The above passages of Schwartz make it clear that it is whether the requested content has already been cached at the link server, and **not** whether the request is of a particular “type,” that serves as the basis for whether the link server must contact the network server in order to satisfy the request. In both the “selection of a soft key” and the “selection of a resource locator” cases, the link server may either provide content cached at the link server, or provide content obtained from the network server in response to the request; it does not matter whether a soft key or a resource locator was selected at the mobile device. The link server apparently treats requests that result from selections of soft keys in the same way that the link server treats requests that result from selections of resource locators. There is no outcome-determinative “request type” distinction in Schwartz. Thus, Schwartz fails to teach or suggest, “based on the first message, **determining whether the action is associated with an event type of a plurality of predetermined event types**” as required by Claim 1.

Thus, there exists at least one feature of Claim 1 that Schwartz does not teach or suggest. For at least the reasons discussed above, it is respectfully submitted that Claim 1 is patentable over Schwartz.

By virtue of their dependence from Claim 1, Claims 2-8, 22, and 25 include the features of Claim 1 distinguished from Schwartz above. Therefore, it is respectfully submitted that Claims 2-8, 22, and 25 are patentable over Schwartz for at least the reasons discussed above in relation to Claim 1.

Claims 34-41, 55, and 58 recite computer-readable media that carry instructions for performing the steps of the methods of Claims 1-8, 22, and 25, respectively. Therefore, it is respectfully submitted that Claims 34-41, 55, and 58 are patentable over Schwartz for at least the reasons discussed above in relation to Claims 1-8, 22, and 25.

Claims 27 and 60

Claim 27 requires, *inter alia*, “**sending from an application** to a mobile interactions server . . . one or more **event handling methods** of the application associated with the first graphical element.”

The Office Action alleges that Schwartz discloses this feature at col. 12, lines 48-67. These lines indicate that a control engine in a link server performs tasks that require computing resources. These lines also list some of the typical functions that the control engine performs. The Office Action apparently correlates these functions with the “event handling methods” required by Claim 27.

However, even assuming, *arguendo*, that these functions are the same as the “event handling methods” required by Claim 27, Schwartz still fails to teach or suggest that these functions are sent to the link server from an application. The Office Action appears to correlate the “application” required by Claim 27 with the network server (or “service server”) disclosed by Schwartz. However, Schwartz fails to teach or suggest that the network server sends the functions to the link server. Thus, Schwartz fails to teach or suggest, “**sending from an application** to a mobile interactions server . . . one or more **event handling methods** of the application associated with the first graphical element” as required by Claim 27.

Thus, there exists at least one feature of Claim 27 that Schwartz does not teach or suggest. For at least the reasons discussed above, it is respectfully submitted that Claim 27 is patentable over Schwartz.

Claim 60 recites a computer-readable medium that carries instructions for performing the steps of the method of Claim 27. Therefore, it is respectfully submitted that Claim 60 is patentable over Schwartz for at least the reasons discussed above in relation to Claim 27.

Claims 9-19, 26, 42-52 and 59

Claims 9-19 and 26 depend from Claim 1 and therefore include the features of Claim 1 that are distinguished from Schwartz above. Although “Official Notice” was taken in the rejections of Claims 9-19 and 26, the “Official Notice” did not allege that the features of Claim 1 distinguished from Schwartz above are common knowledge or well known in the art. Therefore, for at least the reasons discussed above, it is respectfully submitted that Claims 9-19 and 26 are patentable over Schwartz and the “Official Notice.”

Additionally, it is respectfully submitted that features of Claims 9-19 for which “Official Notice” was taken are neither common knowledge nor well known in the art. In support of the “Official Notice,” the Office Action merely alleges that these features are “obvious” and “a matter of design choice in naming and defining event types.” However, it does not follow, merely from these features being matters of design choice, that these features are common knowledge or well known in the art. Many aspects of many patented inventions are matters of design choice and yet are not common knowledge and are not well known in the art. The “Official Notice” taken in connection with Claims 9-

19 is traversed. If the “Official Notice” is not withdrawn, then authority supporting the “Official Notice,” such as “specific factual findings predicated on sound technical and scientific reasoning,” is demanded in accordance with MPEP 2144.03.

Claims 42-52 and 59 recite computer-readable media that carry instructions for performing the steps of the methods of Claims 9-19 and 26, respectively. Therefore, it is respectfully submitted that Claims 42-52 and 59 are patentable over Schwartz and the “Official Notice” for at least the reasons discussed above in relation to Claims 9-19 and 26.

Claims 20, 21, 23, 24, 53, 54, 56, and 57

Claims 20, 21, 23, and 24 depend from Claim 1 and therefore include the features of Claim 1 that are distinguished from Schwartz above. Gamo also does not teach or suggest these features. Indeed, the Office Action does not even allege that Gamo teaches or suggests these features. For at least the reasons discussed above, it is respectfully submitted that Claims 20, 21, 23, and 24 are patentable over Schwartz and Gamo.

Claims 53, 54, 56, and 57 recite computer-readable media that carry instructions for performing the steps of the methods of Claims 20, 21, 23, and 24, respectively. Therefore, it is respectfully submitted that Claims 53, 54, 56, and 57 are patentable over Schwartz and Gamo for at least the reasons discussed above in relation to Claims 20, 21, 23, and 24.

Claims 28 and 61

Claim 28 depends from Claim 27 and therefore includes the features of Claim 27 that are distinguished from Schwartz above. Gamo also does not teach or suggest these

features. Indeed, the Office Action does not even allege that Gamo teaches or suggests these features. For at least the reasons discussed above, it is respectfully submitted that Claim 28 is patentable over Schwartz and Gamo.

Claim 61 recites a computer-readable medium that carries instructions for performing the steps of the method of Claim 28. Therefore, it is respectfully submitted that Claim 61 is patentable over Schwartz and Gamo for at least the reasons discussed above in relation to Claim 28.

Claims 29-33 and 62-66

Claims 29-33 depend from Claim 27 and therefore include the features of Claim 27 that are distinguished from Schwartz above. Gamo also does not teach or suggest these features. Indeed, the Office Action does not even allege that Gamo teaches or suggests these features. Although “Official Notice” was taken in the rejections of Claims 29-33, the “Official Notice” did not allege that the features of Claim 27 distinguished from Schwartz above are common knowledge or well known in the art. For at least the reasons discussed above, it is respectfully submitted that Claims 29-33 are patentable over Schwartz, Gamo, and the “Official Notice.”

Additionally, it is respectfully submitted that features of Claims 29-33 for which “Official Notice” was taken are neither common knowledge nor well known in the art. In support of the “Official Notice,” the Office Action merely alleges that these features are “obvious” and “a matter of design choice in naming and defining event types.” However, it does not follow, merely from these features being matters of design choice, that these features are common knowledge or well known in the art. Many aspects of many patented inventions are matters of design choice and yet are not common knowledge and

are not well known in the art. The “Official Notice” taken in connection with Claims 29-33 is traversed. If the “Official Notice” is not withdrawn, then authority supporting the “Official Notice,” such as “specific factual findings predicated on sound technical and scientific reasoning,” is demanded in accordance with MPEP 2144.03.

Claims 62-66 recite computer-readable media that carry instructions for performing the steps of the methods of Claims 29-33, respectively. Therefore, it is respectfully submitted that Claims 62-66 are patentable over Schwartz, Gamo, and the “Official Notice” for at least the reasons discussed above in relation to Claims 29-33.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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on 12/21/04

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